

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TONY SMITH,

Plaintiff(s),

v.

STEPHEN CONNELL, et al.,

Defendant(s).

Case No. 2:12-CV-2140 JCM (GWF)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Foley. (Doc. # 32). No objections have been filed, and the deadline for filing objections has passed.

This case arises from a civil rights complaint filed pursuant to 42 U.S.C. § 1983. (Doc. # 1-1). On March 17, 2014, Judge Foley granted plaintiff leave to amend his complaint. (Doc. # 28). Judge Foley instructed plaintiff to file his amended complaint by April 16, 2014. (Doc. # 28).

On April 1, 2014, plaintiff filed a motion for an extension of time, (doc. # 30), which Judge Foley denied on April 25, 2014, (doc. # 31). Since that denial, plaintiff has made no further filing. Accordingly, Judge Foley recommends that the case be dismissed pursuant to Local Rule 41-1. (Doc. # 32).

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was filed).

Nevertheless, this court finds it appropriate to engage in a de novo review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge’s findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and recommendation of Magistrate Judge Foley, (doc. # 32), are ADOPTED in their entirety.

IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED with prejudice.

The clerk shall close the case.

DATED February 23, 2015.

  
UNITED STATES DISTRICT JUDGE